

PRODUCT: 85 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Seattle, Wash.

LABEL, IN PART: "White Tag Red Sour Pitted Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries, since it contained more than one pit in each 20 ounces of cherries and it failed to bear the substandard legend.

DISPOSITION: May 4, 1948. The Paulus Bros. Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13118. Adulteration and misbranding of canned grapefruit. U. S. v. 2,806 Cases
* * *. (F. D. C. No. 24285. Sample No. 3640-K.)

LABEL FILED: December 31, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 2, 1947, by the Lee Co., Inc., from Valrico, Fla.

PRODUCT: 2,806 cases, each containing 24 1-pound, 4-ounce cans, of grapefruit at Norfolk, Va.

LABEL, IN PART: "Tampa Belle Florida Grapefruit Mostly Whole Sections in Medium Syrup * * * Distributed by Lee Growers Cooperative Tampa, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the vignette on the label depicting grapefruit sections and the label statement "Grapefruit Mostly Whole Sections in Medium Syrup" were false and misleading, since the article consisted in part of grapefruit juice. (Examination showed the presence of decomposed grapefruit, and some of the cans contained grapefruit juice instead of grapefruit.)

DISPOSITION: March 30, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, after segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. As a result of the segregation, 169 cases of unfit material consisting of swells, flippers, and rusted or badly dented cans were destroyed.

13119. Adulteration and misbranding of canned peaches. U. S. v. Jones Brothers Canning Co., a corporation, and Oma F. Jones and Barnett W. Jones. Pleas of guilty. Fines of \$25 against each defendant. (F. D. C. No. 24076. Sample Nos. 54170-H, 55237-H, 55536-H, 55537-H.)

INFORMATION FILED: May 24, 1948, Western District of South Carolina, against the Jones Brothers Canning Co., a corporation, Greer, S. C., and Oma F. Jones and Barnett W. Jones.

ALLEGED SHIPMENT: On or about July 17 and August 10, 20, and 21, 1947, from the State of South Carolina into the States of North Carolina, Indiana, and Georgia.

PRODUCT: 4 shipments of canned peaches.

LABEL, IN PART: "Cedar Rock Brand [or "Greer Brand"]."

NATURE OF CHARGE: Adulteration (1 shipment), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of worms and worm excreta.

Misbranding (2 shipments), Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations for canned peaches, since it failed to meet the test for tenderness; and (1 shipment), Section 403 (g) (2), it failed to bear, as prescribed by the regulations, the name of the optional packing medium present, since it was labeled "In Heavy Syrup" but was packed in light sirup.

DISPOSITION: May 24, 1948. Pleas of guilty having been entered on behalf of the defendants, the court imposed fines of \$25 against each defendant.

13120. Misbranding of canned peaches. U. S. v. 483 Cases * * *. (F. D. C. No. 24192. Sample Nos. 4131-K, 4135-K, 33207-K.)

LABEL FILED: On December 18, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 22, 1947, by the G. W. Hume Co. from Turlock, Calif.

PRODUCT: 483 cases, each containing 24 1-pound, 13-ounce cans, of peaches at South Boston, Mass.

LABEL, IN PART: "Isle O'Gold Sliced Elberta Freestone Yellow Peaches in Heavy Syrup * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was canned peaches, a food for which a definition and standard of identity had been prescribed by the regulations, and its label failed to bear, as required by the regulations, the name of the optional packing medium present, since the label bore the statement "in Heavy Syrup," whereas the article was packed in light sirup.

DISPOSITION: April 26, 1948. The G. W. Hume Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13121. Misbranding of canned peaches. U. S. v. 154 Cases * * *. (F. D. C. No. 23442. Sample No. 54438-H.)

LIBEL FILED: September 4, 1947, Middle District of Georgia.

ALLEGED SHIPMENT: On or about July 17, 1947, by the Greenville Canning Co., from Greenville, S. C.

PRODUCT: 154 cases, each containing 24 cans, of peaches at Milledgeville, Ga.

LABEL, IN PART: "Mid Summer Brand Yellow Freestone Peaches Halves in Heavy Syrup. Contents 1 Lb. 14 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight.)

Further misbranding, Section 403 (g) (2), the label failed to bear the name of the optional packing medium present in the article, since it was labeled "in Heavy Syrup," whereas it was packed in light sirup.

DISPOSITION: September 30, 1947. The Greenville Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

13122. Misbranding of canned peaches. U. S. v. 61 Cases * * *. (F. D. C. No. 24393. Sample No. 33242-K.)

LIBEL FILED: March 18, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 10, 1948, by Parrott & Co., from Stockton, Calif.

PRODUCT: 61 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: "Norris Ole Fashion Yellow Elberta Freestone Peaches in Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported and was represented to be canned peaches, and its label failed to bear, as required by the definition and standard of identity, the name of the optional peach ingredient and the name of the optional packing medium used, since the label bore the statement "Yellow Freestone Peaches in Extra Heavy Syrup" and the cans contained yellow clingstone peaches in heavy sirup.

DISPOSITION: May 25, 1948. A. E. Turner & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13123. Misbranding of canned peaches. U. S. v. 49 Cases * * *. (F. D. C. No. 23970. Sample No. 14710-K.)

LIBEL FILED: November 20, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 2, 1947, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 49 cases, each containing 48 cans, of peaches at Chicago, Ill.